

NEW JERSEY STATE LIBRARY



3 3009 00614 5348

P U B L I C    H E A R I N G

on

ASSEMBLY BILL NO. 165  
[RE REGULATION OF SALE  
AND PURCHASE OF FIREARMS]

before

*New Jersey Legislature*  
ASSEMBLY, COMMITTEE ON STATE GOVERNMENT

Held:  
Assembly Chamber  
State House  
Trenton, New Jersey  
March 2, 1966

PROPERTY OF  
NEW JERSEY STATE LIBRARY

CT 21 1968

W. State Street  
Trenton, N. J.

974.90

W362

1966

*copy 5*

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Victor F. Addonizio [Chairman]  
Assemblyman Arnold E. Brown  
Assemblyman David J. Friedland  
Assemblyman Edward J. Sweeney

\* \* \* \*

Exhibit "A"



institution or sanitarium and cannot produce a doctor's certificate indicating he can safely handle a firearm; if he has ever been convicted of a crime, is an alcoholic, an habitual user of or addicted to narcotics, goof-balls or pep pills; or if he is a subversive. In other words, standards are set forth to determine if the issuance of a permit to a person to purchase or carry a pistol or revolver would be in the interest of public health, safety or welfare.

For those who wish to carry a pistol or revolver, permits will be required as they are under present law.

For those who desire to purchase rifles or shotguns, they will have to obtain a firearms purchaser identification card. This card would be obtained once in a lifetime and its holder would be able to purchase and carry as many rifles and shotguns as he owns or desires to own.

For those who wish to obtain the permits or the identification card, it will be necessary, if they have not already been, to be fingerprinted in order to determine if they are any of the unfit persons described in the bill. This is the only effective way I know of checking an individual's background and, as I am sure you gentlemen know, is a matter of policy with respect to the hiring of military and law enforcement personnel. Apparently there are some people who feel there is a stigma attached to being fingerprinted. I have, therefore, asked the State Police to prepare a list of persons fingerprinted by them, either voluntarily, by law, or by preference of an employer. This list includes, among others, dentists licensed by this State, school bus drivers,

chair where he will be for the rest of his life. And in both of these instances, the perpetrators were convicted felons in the past.

This talk about rifles and shotguns, the accessibility of shotguns and rifles - last year one man walked into a store in the City of Newark and he bought a shotgun and shells and threw them in the trunk of his car. Exactly two days later, he is in a tavern and he is having an argument with the bartender. He became angry, walked outside, opened the trunk of his car, inserted the shells, came back in, shot the bartender and also shot the owner. There were two murders because this man could not be checked in advance because this man previously had been a convicted felon.

I agree with the Committee on Fair Legislation about the minor. I think that we are giving him too much freedom when he is able to buy a gun by merely having a letter from his parents giving their consent.

But there are a lot of good things about this bill. For example, for the first time it clarifies many inconsistencies. Heretofore a chief of police could arbitrarily refuse to issue a permit to purchase or a permit to carry a concealed weapon and I have seen some very bad cases where chiefs of police have turned down these permits. You know a lot of chiefs of police are afraid to issue these permits because if a homicide does occur as a result of this man or this woman having a gun which happened through a permit to purchase, he feels that the onus is upon him and that he would be at fault. This bill clarifies this. As the Attorney General said, within thirty days, I think the period is, the man has

a right to go to a county court and apply for relief.

There were also a great many other inconsistencies, for example, amongst the chiefs of police, as to what right a man had to take a gun for repair or to carry it back and forth from a range or from his gun club. There were many inconsistencies and I have seen in my time in the Police Department over 25 years, 26 years, where citizens were brought in because there was no clarification down to the last man in the Police Department as to what the policy should be or what the law was, and this bill clarifies it.

I think that every man has a right, according to the Second Amendment, to have a weapon in his home for his protection because there is so much violence extant in our land today. I think a man has a right to have rifle practice or target practice with a handgun. These things should not be denied the citizen. But at the same time I think that there must be some kind of regulation whereby those people who could bring harm to a community, who can cause the death of an individual, either by being felons or by being diseased in the mind in one way or another, narcotic addicts - they should be prevented from having these guns. In view of these things, I think that this is a good bill. It is a mild bill and I recommend that the Assembly pass this bill. Thank you very much.

ASSEMBLYMAN ADDONIZIO: Thank you very much, Director; you are excused.

Is there a Mr. Benton in the House? [Mr. Benton acknowledges his presence.] Mr. Benton, will you please

paragraph called (j) which was deleted by the Legislature and the bill was signed by the Governor in 1963. This exemption, at that time, was directed to officers of private detective corporations and it stated that they were exempt from the law concerning the carrying of concealed weapons.

It happened that many of the private corporations would have one man who was screened by the State Police and who made the corporation qualify for the license and then they could hire five people the night before, and this was done, make them officers of this corporation, from first to tenth vice president or fifth in the case of five people, give them a gun and let them go out on some particular case.

Now, there were violations of law involved. There was quite a case here in Mercer County, not too very long ago and, as a matter of fact, it was after that case, when a private detective I think with four or five other men broke into a private home and into the bedroom and there was some shooting involved - and it was after that case that the Legislature in its wisdom deleted paragraph (j), and that's the reason for it.

It is our feeling that any man who can pass the State Police, as he does today, as evidently this gentleman has today, and be fingerprinted and be licensed as a private detective would have no difficulty himself in getting a permit to purchase or to carry, and if he wants to hire people in his business, it seems to us that they should be as qualified as he is, especially if the private



by a criminal and, while he is lying there his gun is on the ground and you pick it up and attempt to pick off the miscreant, you have instantly violated the Sullivan law and you may be apprehended, and many people have been.

I feel that for this reason and the further reason that this act now makes it an offense to possess an unconcealed weapon - hand gun at the very least - without a permit to carry, whereas heretofore you could walk down Broad Street in Paterson with a pistol on each hip and you were immune because the weapon was not concealed - for this reason, this act becomes a little more stringent, and I feel that this exemption should be granted to a civic-minded citizen who may either protect an officer's pistol if he's injured or attempt to use it on a criminal. I feel that this would be in keeping with the "tit for tat" exchange of privilege and restriction.

I feel further with reference to the provisions for issuance of a permit to carry a concealed weapon that some standard should be established. The only provision, as this bill handles the situation - it says that the judge must be satisfied of many things, including the need of the applicant to carry a pistol or revolver. I feel that some standard should be established on this score.

Again, when an applicant for a carrying permit is denied his permit, I feel the bill should include a provision that the denying authority should advise him by certified mail, return receipt, of the denial of his